

**LINKED MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE
CITY OF CARLSBAD, NEW MEXICO, HELD IN THE MUNICIPAL ANNEX
BUILDING ON OCTOBER 24, 2017 AT 6:30 P.M.**

Present:	Dale Janway	Mayor
	Lisa A. Anaya Flores	Councilor
	Edward T. Rodriguez	Councilor
	Leo B. Estrada	Councilor
	J. R. Doporto	Councilor
	Jason Shirley	Councilor
	Richard Doss	Councilor
	Wanda Durham	Councilor
Absent:	Wesley A. Carter	Councilor
Also Present:	Steve McCutcheon	City Administrator
	Michael Hernandez	Deputy City Administrator
	Eileen P. Riordan	City Attorney
	Annette Barrick	City Clerk
	Patsy Jackson-Christopher	Director of Arts & Culture
	Luis Camero	Director of Engineering Services
	Steve Hendley	Director of Parks & Recreation
	Ron Myers	Director of Utilities
	Wendy Hammett	Finance Director
	Richard Lopez	Fire Chief
	Jeff Patterson	Planning Director
	Kent D. Waller	Police Chief
	Patrick Cass	Public Works Director

Time Stamps and headings below correspond to recording of meeting and the recording is hereby made a part of the official record.

0:00:00 **Call Meeting to Order**

0:00:01 Invocation - Pledge of Allegiance

0:00:34 **Mayor Janway welcomed Ms. Shan, Student Advisory Coordinator. Ms. Shan** said the students are looking forward to learning from their City leaders and had each of the students introduce themselves to Council.

0:02:53 **1. APPROVAL OF AGENDA**

Mayor Janway pulled Item C.2 Consider approval of the Development Agreement between the City of Carlsbad and Hermes Development, NM, LLC. He added that the Item would return for consideration on November 14, 2017.

0:03:06 **Motion**

The motion was made by Councilor Doss and seconded by Councilor Durham to approve the Agenda, as amended

0:03:17 **Vote**

The vote was as follows: Yes - Rodriguez, Durham, Anaya Flores, Doporto, Doss, Estrada; No - None; Absent- Shirley, Carter; the motion carried.

0:03:27 **2. CONSIDER APPROVAL OF RESOLUTION NO. 2017-46, A RESOLUTION CERTIFYING THE ANNUAL FIXED ASSET INVENTORY**

Ms. Hammett explained that staff under the direction of the Fixed Asset Coordinator, has completed a physical inventory of fixed assets costing \$5,000.00 or more. She explained this inventory is required by the New Mexico Administrative Code.

0:04:38 **Motion**

The motion was made by Councilor Doss and seconded by Councilor Anaya Flores to approve Resolution No. 2017-46, a Resolution Certifying the Annual Fixed Asset Inventory

0:04:44 **Vote**

The vote was as follows: Yes - Rodriguez, Durham, Anaya Flores, Doporto, Doss, Estrada; No - None; Absent- Shirley, Carter; the motion carried.

0:04:56 **3. ROUTINE AND REGULAR BUSINESS**

- A. Minutes of the Regular City Council Meeting held on October 10, 2017
- B. City Personnel Report
- C. Contracts and Agreements:
 - 1) Consider approval of Second Renewal of Agreement between the City of Carlsbad and Orlando M. Garza for Grounds Keeping and Maintenance Services of City Wide Landscapes, Medians, Gateways, and Properties
 - 2) Consider approval of the Development Agreement between the City of Carlsbad and Hermes Development, NM, LLC
- D. Purchasing:
 - 1) Consider approval to Award RFP No. 2017-16, to Gaumard Scientific Company for (1) one Adult Patient Simulator Mannequin
- E. Monthly Reports:
 - 1) Monthly Report, Arts and Culture Department Report, September 2017
 - 2) Monthly Report, Sports and Recreation, September 2017
 - 3) Monthly Report, Utilities Department, September, 2017

- F. Board and Committee Appointments:
 - 1) Carlsbad Museum and Arts Center Advisory Board: Karen O’Neal, for remainder of 5- year term
- G. Set Date, November 14, 2017:
 - 1) Consider approval of Ordinance 2017-10, an Ordinance proposing revisions of Chapter 6 of the Code of Ordinances regarding Animals (Remove from Table and Consider)

0:05:18 **Mayor Janway asked Mr. McCutcheon to discuss Item C.1 Consider approval of Second Renewal of Agreement between the City of Carlsbad and Orlando M. Garza for Grounds Keeping and Maintenance Services of City Wide Landscapes, Medians, Gateways, and Properties**

Mr. McCutcheon explained Item C.1 is a second renewal of an agreement between the City and Orlando M. Garza. He said this contract will be at the same price as the previous contract and staff is recommending approval.

0:06:20 **Motion**

The motion was made by Councilor Durham and seconded by Councilor Anaya Flores to approve Routine and Regular Business

0:06:26 **Vote**

The vote was as follows: Yes - Rodriguez, Durham, Anaya Flores, Doporto, Doss, Estrada; No - None; Absent- Shirley, Carter; the motion carried.

0:06:43 **4. PRESENTATION OF PROCLAMATION FOR CREATIVE CARLSBAD, A STATE AUTHORIZED ARTS AND CULTURAL DISTRICT**

Ms. Jackson-Christopher explained the City has been trying since 2014 to become designated by the State to have an Arts and Cultural District. She said the designation of the District is an Economic Development Tool, that staff is very interested in pursuing. She explained the City was previously denied because the City did not have an Arts Council. She explained the deadline for the application is January 31, 2018 and she is confident that by February 1, 2018, Carlsbad will have an Arts and Cultural District.

Ms. Jackson-Christopher introduced Ms. Julie Chester, President of the Creative Carlsbad Arts Council. **Ms. Chester** thanked the Council for their support and said she is thrilled to be on the Arts Council. She introduced members of the board that were present, Mr. Larry Mitchell, Vice President, Michelle Robertson, Mary Garwood, Ken Britt, and Karla Hammel.

0:13:03 **5. CONSIDER APPROVAL OF ORDINANCE NO. 2017-29, AN ORDINANCE REZONING PART OF “C-2” COMMERCIAL DISTRICT TO “R-1” RESIDENTIAL DISTRICT FOR AN APPROXIMATELY 0.17 ACRE PROPERTY, LOCATED AT 404 W. CHURCH STREET, LEGALLY DESCRIBED AS LOT 11,**

BLOCK 178, EVARTS SUBDIVISION, PURSUANT TO SECTION 3-21-1 ET SEQ., NMSA 1978 AND SECTIONS 56-150(B) AND 56-140(I), CARLSBAD CODE OF ORDINANCES

0:13:53 **A. Public Hearing**

Mr. Patterson explained the owner of this property is requesting a zone change from "C-2" Commercial District to "R-1" Residential District. He explained the zone change will not create a spot zone. He said the Planning and Zoning Commission and the Planning Department recommend approval.

0:14:39 **Mayor Janway asked if anyone would like to speak in favor of the Ordinance.**

The property owner said they are requesting approval.

0:14:58 **Mayor Janway asked if anyone would like to speak against the Ordinance. No one appeared and the Mayor declared the public hearing closed and reconvened the Council in regular session.**

0:15:08 **B. Consider Ordinance No. 2017-29**

0:15:14 **Motion**

The motion was made by Councilor Doss and seconded by Councilor Rodriguez to approve Ordinance No. 2017-29, an Ordinance Rezoning Part of "C-2" Commercial District to "R-1" Residential District for an approximately 0.17 acre property, located at 404 W. Church Street, legally described as Lot 11, Block 178, Evarts Subdivision, pursuant to Section 3-21-1 et seq., NMSA 1978 and Sections 56-150(B) and 56-140(I), Carlsbad Code of Ordinances

0:15:19 **Vote**

The vote was as follows: Yes - Rodriguez, Durham, Anaya Flores, Doporto, Doss, Estrada; No - None; Absent- Shirley, Carter; the motion carried.

0:15:34 **6. CONSIDER APPROVAL OF SERVICE AGREEMENT BETWEEN THE CITY OF CARLSBAD AND EDDY COUNTY**

Mr. McCutcheon explained the agreement from Eddy County for services rendered to County residents contained usage reporting requirements. He said the County heard the concern of the Council over the amount and the reporting. He explained Ms. Riordan drafted a new contract and the Commission approved the contract unanimously and without comment.

Councilor Rodriguez asked if the City will be required to provide the reporting or access to financial records. **Mr. McCutcheon** said no.

0:18:00 **A. Remove from Table**

0:18:03 **Motion**

The motion was made by Councilor Doss and seconded by Councilor Rodriguez to Remove from Table

0:18:09 **Vote**

The vote was as follows: Yes - Rodriguez, Durham, Anaya Flores, Doporto, Doss, Estrada; No - None; Absent- Shirley, Carter; the motion carried.

0:18:20 **B. Consider Agreement**

0:18:55 **Motion**

The motion was made by Councilor Durham and seconded by Councilor Doporto to approve Service Agreement between the City of Carlsbad and Eddy County

0:19:01 **Vote**

The vote was as follows: Yes - Rodriguez, Durham, Anaya Flores, Doporto, Doss, Estrada; No - None; Absent- Shirley, Carter; the motion carried.

0:19:11 **7. CONSIDER APPROVAL OF PROJECT(S) TO RECOMMEND FOR 2018 LEGISLATIVE SESSION CAPITAL OUTLAY FUNDING**

Mr. McCutcheon explained staff has been working with Hubert Quintana. He said Mr. Quintana said the City should put no more than three projects on the list and they should be under \$500,000 per project. He explained staff and administration have rated projects listed on the ICIP and recommend that Council consider approval of the following projects: 1. Extend storm drain from Canal Street to Halagueno Street then North to West Fox Street; 2. Re-hab of Sewer Manholes at \$400,000; and 3. Expand Lazy River at Carlsbad Water Park.

0:22:58 **Motion**

The motion was made by Councilor Rodriguez and seconded by Councilor Durham to approve Projects to recommend for 2018 Legislative Session Capital Outlay Funding

0:23:04 **Vote**

The vote was as follows: Yes - Rodriguez, Durham, Anaya Flores, Doporto, Doss, Estrada; No - None; Absent- Shirley, Carter; the motion carried.

0:23:18 **8. CONSIDER APPROVAL TO CANCEL THE REGULAR SCHEDULED CITY COUNCIL MEETINGS ON NOVEMBER 28, 2017, AND DECEMBER 26, 2017**

Ms. Barrick explained this request is for approval to cancel the second meetings in November and December due to the holidays.

0:24:05 **Motion**

The motion was made by Councilor Durham and seconded by Councilor Doporto to approve to cancel the Regular scheduled City Council Meetings on November 28, 2017, and December 26, 2017

0:24:15 **Vote**

The vote was as follows: Yes - Rodriguez, Durham, Anaya Flores, Doporto, Doss, Estrada; No - None; Absent- Shirley, Carter; the motion carried.

0:24:27 **9. COUNCIL COMMITTEE REPORTS**

Councilor Doss explained he and Councilor Durham attended the Nuclear Waste Partnership (NWP) reception before the meeting tonight. He said at the reception he received a brochure of the 2017-2018 Contractor Community Commitment Plan. He explained the NWP is committing 2200 volunteer hours and \$500,000 that will go to various organizations throughout the City as part of their effort to be a good community neighbor.

0:25:23 **Mayor Janway asked if anyone present would like to address the Council.**

Mr. Jerry Samaniego said he needs a water meter on his property. He said he has been unsuccessful and is before Council for help to resolve and find out why. He said the property is commonly known as the Mine Parking Lot. **Councilor Doss** asked for the address of the property. **Mr. Samaniego** said the County address is 403 and 405 E. Greene Street, but added the City is saying that address is incorrect.

Mr. Patterson explained Mr. Samaniego has approached the Planning Department to get a City address. He said when staff checked the owner records with the county assessor's office; staff was told the deed Mr. Samaniego filed was rejected. **Mr. Patterson** said he spoke to Ms. Riordan and because the deed has been rejected, he is not yet the legal owner of the property. **Mr. Patterson** went on to explain that the legal description needs to be corrected and the deed refiled with the county. He said he also contacted the owner, Ms. Dowling, and she asked staff to place a hold on assigning an address until the deed is taken care of. **Mr. Samaniego** said he has a signed deed from Ms. Dowling, paid her cash for the property, and that he is the owner and would like to have water at the property.

Mr. McCutcheon explained that the City has a program that allows staff to see who owns each property and if the property does not show the person who applies there is a set of procedures to follow. He said it sounds like as soon as the deed is cleared, the City would be happy to set up a meter. He added that the City does not have a say regarding deeds, he said deeds belong to the county under state statute.

0:29:52 **10. ADJOURN**

0:29:59 **Motion**

The motion was made by Councilor Anaya Flores and seconded by Councilor Doss to Adjourn

0:30:06 **Vote**

The vote was as follows: Yes - Rodriguez, Durham, Anaya Flores, Doporto, Doss, Estrada; No - None; Absent- Shirley, Carter; the motion carried.

0:30:28 **Adjourn**

There being no further business, the meeting was adjourned at 7:00 p.m.

_____/s/Dale Janway_____
Mayor

ATTEST:

_____/s/Nadine Mireles_____
City Clerk